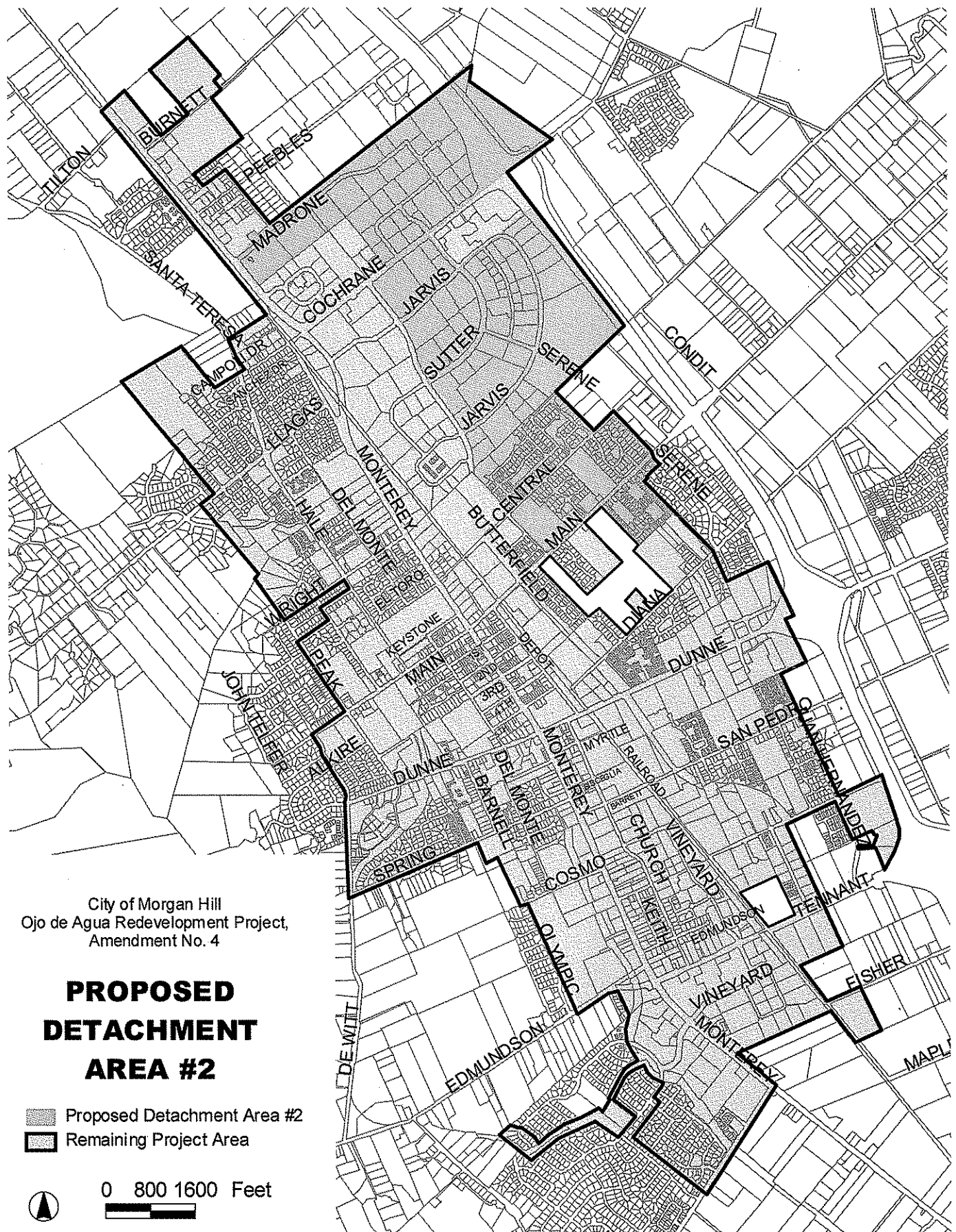

ATTACHMENTS

ATTACHMENT A

MAP OF THE AMENDED PROJECT AREA



City of Morgan Hill
Ojo de Agua Redevelopment Project,
Amendment No. 4

PROPOSED DETACHMENT AREA #2

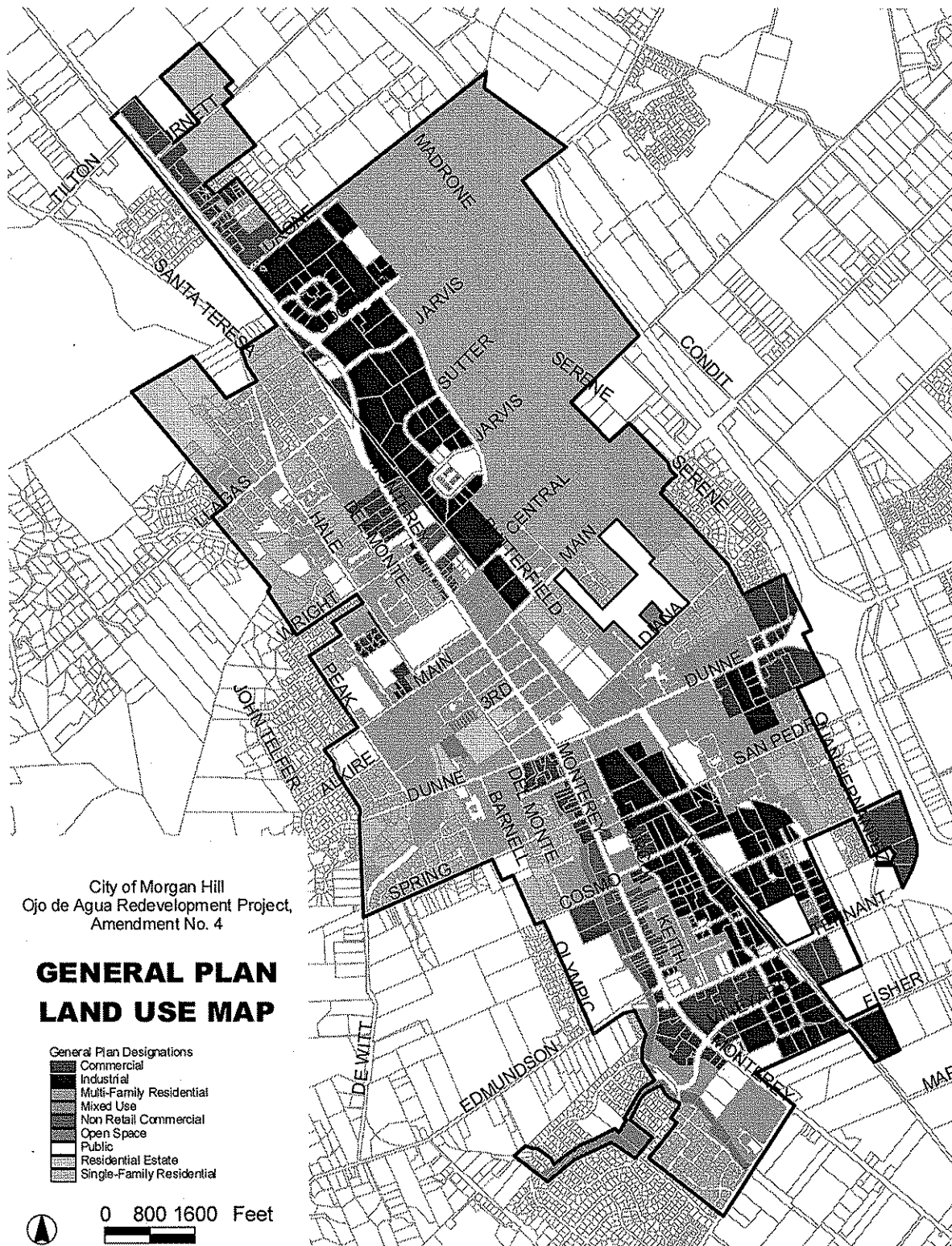
- Proposed Detachment Area #2
- Remaining Project Area



0 800 1600 Feet

ATTACHMENT B

GENERAL PLAN LAND USE MAP
OF THE AMENDED PROJECT AREA



City of Morgan Hill
Ojo de Agua Redevelopment Project,
Amendment No. 4

GENERAL PLAN LAND USE MAP

General Plan Designations

- Commercial
- Industrial
- Multi-Family Residential
- Mixed Use
- Non Retail Commercial
- Open Space
- Public
- Residential Estate
- Single-Family Residential



0 800 1600 Feet

ATTACHMENT C

LEGAL DESCRIPTION OF
THE AMENDED PROJECT AREA

May 7, 1981

PARCEL A

BEING a portion of Rancho La Laguna Seca, Rancho Ojo De Agua de La Coche, and Rancho San Francisco de las Llagas located within the County of Santa Clara, State of California and more particularly described as follows:

BEGINNING at a point on the Northeasterly line of Monterey Road, as the same existed prior to November 12, 1937, at the most Southerly corner of that certain 43.43 acre parcel of land described in the Deed from Peter Raggio, et ux, to Victor Raggio, recorded December 2, 1930 in Book 546 of Official Records, page 30, Santa Clara County Records; thence along the Southeasterly line thereof, North 50° 30' East 401.00 feet; thence South 39° 31' East 1,032.76 feet to the Northwesternly line of Burnett Avenue North 50° 18' East 628.18 feet; thence North 39° 31' West 1,048.11 feet to said Southeasterly line; thence along said Southeasterly line North 48° 56' 30" East 867.15 feet; thence South 41° 14' 30" East 833.29 feet; thence South 45° 46' 30" West 165.12 feet; thence South 41° 14' 30" East 245.17 feet to the Southerly line of Burnett Avenue; thence along said Southerly line, South 50° 48' West 324.2 feet more or less to the most Northerly corner of Parcel 1 as described in that deed to Albert C. Raggio, et ux., recorded January 27, 1955 in Book 3070 of Official Records at page 128, Santa Clara County Records; thence along the Easterly line thereof South 39° 08' East 872.85 feet; thence along the Southerly line of said Parcels 1 and 2 as described in that deed to Albert C. Raggio, South 52° 15' West 1,107.87 feet thence parallel with the westerly lines of Lots 16, 17, and 18 as shown on that certain map entitled "Peables Tract," recorded in Book "2" of Maps at page 63, Santa Clara County Records and 36.00 feet distant therefrom at right angles South 39° 30' East 300.00 feet; thence along the Southerly lines of Lots 3 and 18 as shown on said map, North 51° 55' East 445.80 feet to the centerline of Taylor Avenue; thence along said centerline South 39° 23' 15" East 1,246.90 feet to the Southeasterly corner of Lot 30 as shown on said map and the Northerly line of Lot A as shown on that certain map entitled "Map of the Subdivision of the Cairns Tract in the Rancho La Laguna Seca," recorded in Book "1" of Maps at page 91, Santa Clara County Records; thence along said Northerly line thereof North 51° 03' East 4,526.80 feet to the most Easterly corner of said Lot A; thence South 10° West 325.03 feet; thence South 55° 15' East 1,769.46 feet to the centerline of Cochran Road; thence along said centerline South 51° 02' West 1,475 feet, more or less, to the intersection thereof with the northwesterly prolongation of the southwesterly line of that 11.84 acre parcel deeded to Transamerica Title Insurance Company on August 15, 1973 in Book 0519 of Official Records at page 314 and 315, Santa Clara County Records; thence along said northwesterly prolongation of the southwesterly line of 11.84 acre parcel, South 35° 55' 52" East 55 feet, more or less, to the northwesterly corner of said 11.84 acre parcel; thence along the northwesterly and northeasterly line of 11.84 acre parcel, North 76° 06' 01" West 132.71 feet; thence along a tangent curve to the right, having a radius of 192.00 feet and a central angle of 62° 23' 37", an arc length of 209.08 feet; thence South 41° 30' 22" East 994.75 feet; thence along a tangent curve to the right, having a radius of 5,000.00 feet and a central angle of 2° 11' 28", an arc length of 278.43 feet; thence South 36° 18' 54" East 244.04 feet to the most easterly corner thereof; thence along the northeasterly line of Parcel 1 and the southeasterly prolongation thereof, as shown on Record of Survey

Map recorded in Book "G" of Santa Clara County Records, South 35° 55' 52" East 1,667.89 feet to the northerly line of Morgan Hill Ranch Map No. 5, as recorded in Book "G" of Maps at page 67, Santa Clara County Records; thence along said northerly line, South 45° 23' 36" West 1,578. feet, more or less, to the northwesterly corner of Lot 2 as shown on that certain map entitled "Map of the Old Homestead Tract," as recorded in Book "C" of Maps at page 39, Santa Clara County Records; thence along the westerly line of Lot 2, South 44° 37' East 995.14 feet; thence parallel to the centerline of East Central Avenue and Northerly 20.00 feet distant therefrom at right angles, North 45° 23' East 489.00 feet to the centerline of East Lane; thence along said centerline and the Easterly line of Lot 1 as shown on said map South 44° 37' East 1,015.41 feet to the centerline of East Main Avenue; thence along the Easterly line of Lot 29 as shown on that certain map entitled "Catherine Dunne Ranch Map, No. 1," recorded in Book "F" at page 11, Santa Clara County Records, South 44° 37' East 250.00 feet; thence parallel with the centerline of East Main Avenue and 250.00 feet distant therefrom at right angles, South 45° 23' West 429.00 feet to the Westerly line of said Lot 29; thence along the Westerly line of Lots 24 and 51, as shown on said map, South 44° 37' East 1,816.82 feet to the centerline of Diana Avenue; thence along the Westerly line of Lot 74 as shown on said map, South 25° 29' East 580.01 feet thence along the Northerly line of Lots 74 and 90 as shown on that certain map entitled "Morgan Hill Ranch Map No. 1," recorded in Book "F" at page 4, Santa Clara County Records North 64° 31' East 810.48 feet; thence along the Easterly line of said Lot 90, South 25° 29' East 1,107.48 feet to the Southerly line of East Dunne Avenue; thence along said Southerly line of East Dunne Avenue as shown on that certain map entitled "Catherine Dunne Ranch Map No. 5," recorded in Book "I" at page 59, Santa Clara County Records, South 64° 31' West 121.44 feet; thence along the Westerly line of said Lot 28, South 25° 29' East 792.00 feet; thence along the northerly line of Lot 54 as shown on said map South 64° 31' West 528.00 feet; thence along the Westerly line of said Lot 54, South 25° 29' East 825.00 feet to the centerline of San Pedro Avenue; thence along the Westerly line of Lot 66 as shown on said map, South 25° 29' East 825.00 feet to the Northeastern corner of Lot 15 as shown on that certain map entitled "Catherine Dunne Ranch Map, No. 7," recorded in Book "L" at page 26, Santa Clara County Records; thence along the Easterly line of said Lot 15, South 25° 29' East 825.00 feet to the centerline of Barrett Avenue; thence along the centerline of Barrett Avenue and Southerly line of said Lot 15 and Lot 16 as shown on said map, South 64° 31' West 1,056.00 feet; thence along the Westerly line of Lots 23 and 54 as shown on said map, South 25° 29' East 1,650.00 feet to the centerline of Tennant Avenue; thence along the Easterly line of Lot 58 as shown on said map, South 25° 29' East 825.00 feet; thence along the Southerly line of Lots 57 and 58 as shown on said map, South 64° 31' West 872.85 feet to the Westerly line of Railroad Avenue; thence along said Westerly line, North 39° 25' West 893.46 feet to the centerline of Tennant Avenue; thence along said centerline and the Southerly line of Lot 56 as shown on said map, North 64° 31' East 569.65 feet; thence along the Easterly line of said Lot 56, North 25° 29' East 825.00 feet; thence along the Northerly line of said Lot 56, South 64° 31' West 774.44 feet to the Westerly line of Lot 56; thence South 39° 25' East 894.88 feet to the centerline of Tennant Avenue; thence along said centerline, South 64° 31' West 185.84 feet to the Northeastern corner of Lot 142 as shown on said map; thence along the Easterly line of said Lot 142, South 39° 25' East 849.88 feet; thence North 51° 25' East 100.00 feet; thence along the Easterly lines of Lots 142 and 134 South 39° 25' East 1,038.97 feet to the Northerly line of Fisher Avenue; thence along said Northerly line, North 64° 31' East 757.74 feet; thence along the Easterly line of Lots 91 and 93, South 25° 29' East 854.70 feet; thence along the Southerly line of said Lot 93, South 64° 31' West 503.89 feet to the Westerly line of Railroad Avenue; thence along the said Westerly line, North 39° 25' West 732.07 feet; thence South 64° 27' West 62.40 feet to the Easterly line of Lot 15 as

Records; thence along the Northerly line of that 9.81 acre parcel deeded to Carl J. Christensen on August 4, 1976 in Book C186 of Official Records at page 60, Santa Clara County Records and parallel with the Northerly line of said Lot 15, South 64° 27' West 1,867.50 feet to the Easterly line of Monterey Road; thence continuing along the projection of said Northerly line, South 64° 27' West 45.6 feet more or less to the intersection of said Northerly line with the centerline of Monterey Road; thence along the centerline of Monterey Road as shown on that certain map entitled "Fitzgerald Tract Map," as recorded in Book "F" of Maps at page 5, Santa Clara County Records, South 51° 40' East 918.4 feet more or less to the centerline of Watsonville Road as shown on said map; thence along said centerline, South 32° 35' West 2,265 feet more or less to the most Southerly corner of Lot 2 of said Fitzgerald Tract; thence along the Southwesterly line of Lots 2 and 3 of said Tract, North 51° 40' West 1,609.86 feet to the Southwesterly corner of Tract 5863. "Hidden Creek Unit No. 5," as recorded in Book 381 of Maps at pages 12, 13 and 14; thence along the Southeasterly and Northeasterly tract boundary, North 38° 20' East 807.00 feet and North 51° 40' West 145.00 feet to the Southeasterly line of La Crosse Drive; thence across La Crosse Drive, North 51° 40' West 70.00 feet to the Northwesterly line of La Crosse Drive; thence along the Northwesterly line of La Crosse Drive, North 38° 20' East 93.00 feet; thence along a tangent curve to the left having a radius of 415.00 feet and a central angle of 27° 59' 19", a distance of 202.72 feet to the most Southerly corner of Lot 58 of said Tract No. 5863; thence along the Southeasterly and Southwesterly line of Lot 58 these following 21 courses:

1. North 62° 45' 11" West 108.50 feet,
2. North 52° 31' 07" West 51.97 feet,
3. North 45° 23' 18" West 59.96 feet,
4. North 38° 00' 13" West 55.96 feet,
5. North 31° 12' 05" West 59.10 feet,
6. North 34° 46' 51" West 69.94 feet,
7. South 72° 04' 31" West 91.33 feet,
8. South 21° 55' 57" West 20.00 feet,
9. along a curve to the left from a tangent bearing of North 68° 04' 03" West, having a radius of 45.00 feet and a central angle of 96° 53' 01", a distance of 76.09 feet,
10. North 74° 57' 04" West 20.00 feet,
11. South 54° 27' 21" West 101.20 feet,
12. South 44° 47' 05" West 111.22 feet,
13. South 06° 15' 56" East 20.00 feet,
14. along a curve to the left from a tangent bearing of South 83° 44' 04" West, having a radius of 45.00 feet and a central angle of 96° 53' 01", a distance of 76.09 feet,
15. South 76° 51' 03" West 20.00 feet,
16. South 27° 33' 21" West 110.36 feet,
17. South 26° 41' 12" West 101.53 feet,
18. South 17° 07' 35" East 20.00 feet,
19. along a curve to the left from a tangent bearing of South 72° 52' 25" West, having a radius of 45.00 feet and a central angle of 92° 22' 26", a distance of 72.55 feet,
20. South 70° 29' 59" West 20.00 feet, and
21. South 26° 41' 12" West 90.12 feet to the Southwesterly boundary of said Tract No. 5863; thence along the Southwesterly boundary of Tract 5863, South 51° 40' East 492.50 feet to the Northwesterly line of La Crosse Drive; thence along said Northwesterly line, South 38° 20' West 116.28 feet; thence along a tangent curve to the right having a radius of 465.00 feet and a central angle of 9° 14' 55", a distance of 75.06 feet; thence along a tangent curve to the left having a radius of 535.00 feet and a central angle of 9° 14' 55", a distance of 86.36 feet to the Northeasterly line of Tract No. 5779, "Hidden Creek, Unit No. 3," as recorded in Book 373 of Maps at pages 19, 20, 21, and 22; thence continuing along the Northwesterly line of La Crosse Drive, South 38° 20' West 180.00 feet; thence along the Southwesterly and

Southeasterly line of Lot 58 of said Tract No. 5779, North 51° 40' West 323.00 feet and South 69° 17' 49" West 8.31 feet; thence along a curve to the left from a tangent bearing of North 20° 42' 11" West, having a radius of 50.00 feet and a central angle of 61° 55' 39", a distance of 54.04 feet; thence North 7° 22' 10" East 8.31 feet, North 51° 40' West 122.00 feet, and South 63° 16' 56" West 443.92 feet to the most Easterly corner of Lot 46 of Tract No. 5862 "Hidden Creek, Unit No. 4"; thence along the Southeasterly and Southwesterly line of Lot 46, these following 11 courses:

1. South 63° 16' 56" West 123.76 feet,
2. South 04° 14' West 8.30 feet,
3. along a curve to the left from a tangent bearing of North 85° 46' West, having a radius of 50.00 feet and a central angle of 61° 52' 34", a distance of 54.00 feet,
4. North 57° 38' 34" West 8.41 feet,
5. South 63° 29' 20" West 130.16 feet,
6. South 51° 56' 21" West 125.24 feet,
7. South 07° 05' 49" East 8.31 feet,
8. along a curve to the left from a tangent bearing of South 82° 54' 11" West, having a radius of 50.00 feet and a central angle of 61° 55' 39", a distance of 54.04 feet,
9. North 69° 01' 28" West 8.31 feet,
10. South 51° 56' 21" West 422.93 feet, and
11. North 51° 35' 19" West 66.85 feet to the most Westerly corner of Lot 46 and Tract 5862 in the Southwesterly line of Lot 6 of the Fitzgerald Tract; thence along said Southwesterly line, North 51° 35' 19" West 629.36 feet; thence along a curve to the right from a tangent bearing of South 78° 56' 02" East, having a radius of 537.00 feet and a central angle of 27° 20' 43", a distance of 256.29 feet; thence along these following 10 courses:

1. South 51° 35' 19" East 267.07 feet,
2. North 58° 20' 30" East 91.39 feet,
3. along a curve to the right from a tangent bearing of South 31° 39' 30" East, having a radius of 370.00 feet and a central angle of 02° 19' 24", a distance of 15.00 feet,
4. North 60° 39' 54" East 60.00 feet,
5. North 62° 45' 14" East 103.06 feet,
6. North 53° 23' 21" East 314.19 feet,
7. North 57° 30' 38" East 275.27 feet,
8. North 63° 16' 56" East 569.38 feet,
9. along a tangent curve to the left, having a radius of 325.00 feet and a central angle of 36° 35' 44", a distance of 207.58 feet,

10. North 26° 41' 12" East 166.84 feet to the Southwesterly line of Tract No. 6041, "Hidden Creek Unit No. 6" as shown on Map recorded in Book 437 of Maps at pages 53, 54, 55 and 56; thence along the Northwestern line of Lot 60 Tract No. 6041, these following 12 courses:

1. North 26° 41' 12" East 112.25 feet,
2. North 17° 07' 35" West 20.00 feet,
3. along a curve to the left from a tangent bearing of North 72° 52' 25" East, having a radius of 45.00 feet and a central angle of 92° 22' 26", a distance of 72.55 feet,
4. North 70° 29' 59" East 20.00 feet,
5. North 26° 41' 12" East 182.43 feet,
6. North 6° 25' 34" West 20.00 feet,
7. along a curve to the left from a tangent bearing of North 83° 34' 26" East, having a radius of 45.00 feet and a central angle of 89° 22' 25", a distance of 70.19 feet,
8. North 47° 23' 20" East 263.90 feet,
9. along a curve to the left from a tangent bearing of South 82° 18' 14" East having a radius of 45.00 feet and a central angle of 83° 26' 53", a distance of 65.54 feet,
10. South 75° 45' 07" East 20.00 feet,
11. North 62° 08' 01" East 103.38 feet,
12. North 36° 55' 49" West 124.73 feet to a point in the Northeasterly boundary of Tract No. 6041; thence along said Northeasterly tract boundary North 85° 59' 32" West 9.54 feet to the intersection thereof with the Southwesterly line of area

designated as flood plain on a map of the area. Maps at pages 18 and 19; thence along said Southwesterly line and the Northwesterly line of area designated Flood Plain, along a curve to the right from a tangent bearing of North 37° 08' 47" West, having a radius of 582.02 feet and a central angle of 51° 08' 47", a distance of 519.55 feet; thence North 14° East 188.40 feet to the Northwesterly line of parcel 3 as shown on said Parcel Map; thence along said Northwesterly line, North 46° 52' 10" East 4.48 feet to a 3/4" iron pipe; thence along the Southerly projection of the Southwesterly line of Parcel 1 as shown on Parcel Map recorded in Book 403 of Maps at page 40, North 24° 29' West 266.65 feet; thence along the Southwesterly line of said Parcel 1, North 24° 29' West 321.46 feet to the centerline of Edmundson Avenue; thence along the centerline of Edmundson Avenue, South 55° 44' West 357.03 feet to the corner common to Lots 10 and 13 of the Catherine Dunne Ranch Map, No. 3 as shown on map thereof recorded in Book "H" of Maps at page 65; thence continuing along the centerline of Edmundson Avenue, South 55° 44' West 477.84 feet; thence parallel with the centerline of Sunset Avenue, North 24° 29' West 2,157.54 feet to a point in the line common to Lots 16 and 18 of said "Catherine Dunne Ranch Map, No. 3"; thence along the line common to Lots 16 and 18, South 65° 31' West 158.46 feet more or less to the corner common to Lots 18 and 19 of said "Catherine Dunne Ranch Map, No. 3"; thence along the line common to Lots 18 and 19, North 24° 29' West 956.00 feet; thence parallel with the centerline of Spring Avenue and 430.00 feet southwesterly at right angles therefrom, South 65° 31' West 230.22 feet; thence North 24° 29' West 430.00 feet to the centerline of Spring Avenue; thence along said centerline, South 65° 31' West 2,488.32 feet more or less to the centerline of DeWitt Avenue; thence along the centerline of DeWitt Avenue, North 2° 57' West 982.08 feet to the most Northerly corner of Lands of William O. Tibbitts and Patricia A. Tibbitts, his wife, as recorded in Book 8397 of Official Records at page 545; thence South 87° 03' West 30.00 feet to the Southwesterly line of DeWitt Avenue; thence along said Southwesterly line, North 2° 57' West 667.92 feet to a point which bears South 87° 03' West 30.00 feet from the centerline intersection of Dunne and DeWitt Avenue as shown on Map of Tract 2280 "Crestview Terrace, Unit No. 2" as recorded in Book 102 of Maps at page 18; thence continuing along the Southwesterly line of DeWitt Avenue as shown on said Tract Map, along a tangent curve to the right, having a radius of 155 feet and a central angle of 21° 46' 30", a distance of 58.91 feet; thence along a tangent curve to the left having a radius of 225 feet and a central angle of 53° 41' 30", a distance of 210.85 feet; thence North 34° 52' West 444.44 feet to the centerline of Alkire Avenue; thence continuing along the Southwesterly line of DeWitt Avenue, North 34° 52' West 200.23 feet; thence along a tangent curve to the right having a radius of 288.93 feet and a central angle of 30° 08' 12", a distance of 151.97 feet; thence along a tangent curve to the left having a radius of 228.93 feet and a central angle of 30° 08' 12", a distance of 120.42 feet; thence North 34° 52' West 233.23 feet to the Northwesterly line of West Main Avenue as shown on Map of Tract No. 440 "Claremont Heights," recorded in Book 13 of Maps at pages 38 and 39; thence along the Northwesterly line of West Main Avenue, North 55° 08' East 750.00 feet to the Southwesterly line of Peak Avenue; thence along the Southwesterly line of Peak Avenue, North 34° 52' West 1,517.10 feet to the intersection thereof with the Southwesterly prolongation of the Northwesterly line of Heidi Drive as shown on Map of Tract No. 3507 and recorded in Book 184 of Maps at page 36; thence along the Northwesterly line of Heidi Drive and the Southwesterly prolongation thereof, North 55° 08' East 650.50 feet to the Southwesterly line of Crest Avenue; thence along said Southwesterly line and the Northwesterly prolongation thereof, North 34° 52' West 255.00 feet to a point in the Northwesterly line of Longview Drive as shown on Map of Tract 1980 as recorded in Book 85 of Maps at page 37; thence along the Northwesterly line of Longview Drive, North 55° 08' East 637.02 feet to the Southwesterly line of Hale Avenue; thence along the Southwesterly line of Hale Avenue, North 34° 52' West 211.30 feet

to the Southeasterly line of Wright Avenue; thence along said Southeasterly line, South 55° 08' West 1,254.52 feet to the centerline of Peak Avenue; thence along the Southwesterly line of Parcels A and B as shown on Parcel Map recorded in Book 263 of Maps at page 3, North 34° 52' West 330.00 feet; thence along the Southwesterly line of Lot 49 of "Morgan Hill Ranch Map, No. 3" as shown on Map thereof recorded in Book "G" of Maps at pages 20 and 21, North 34° 52' West 552.42 feet to the most Westerly corner of Lot 49; thence along the Northwestern line of Lot 49, North 29° 15' East 96.03 feet to the corner common to Lots 37 and 38 of said "Morgan Hill Ranch Map, No. 3"; thence along the line common to the Lots 37 and 38, North 40° 15' West 1,568.82 feet to the centerline of Llagas Avenue; thence along the centerline of Llagas Avenue, North 49° 45' East 217.44 feet to the corner common to Lots 10 and 11; thence along the line common to Lots 10 and 11, North 40° 15' West 2,611.62 feet to the Northerly corner common to Lots 10 and 11; thence along the Northwestern line of Lots 10 and 9, North 57° 58' East 1,201.10 feet to the most Northerly corner of Lot 9; thence along the Northeasterly line of Lot 9, South 40° 15' East 1,044.95 feet to the most Southerly corner of Lands of Leo Ludewig as recorded in Book 8639 of Official Records at page 409; thence along the Southeasterly line of said Lands of Leo Ludewig, which is also the Northwestern line of Tract No. 3834 as recorded in Book 239 of Maps at page 16, North East 658.02 feet more or less to the most Southerly corner of Lot 3; thence along the Southwesterly line of Lot 3 and Lot 2, North 34° 52' West 408.84 feet to the intersection thereof with the Northeasterly line of Hale Avenue; thence along the Northeasterly line of Hale Avenue, North 19° 05' 45" West 249.47 feet to the intersection thereof with the Northwestern line of Lands of Wesley M. Horan et ux., as described in deed recorded in Book 129 of Official Records at page 280; thence along said Northwestern line and the prolongation thereof, North 55° 08' East 740.98 feet more or less to the Southwesterly line of Madrone Road; thence along said Southwesterly line, South 39° 20' East 292 feet more or less to the line common to Lots 2 and 3; thence along said line, South 55° 08' East 39.72 feet to the Northeasterly line of Madrone Road and Southwesterly line of the Lands of Southern Pacific Railroad; thence along said Northeasterly and said Southwesterly line, North 39° 55' West 579 feet more or less to Northerly line of Lot 1 as shown on that certain map entitled "Morgan Hill Ranch Map, No. 3," recorded in Book "G" of Maps at pages 20 and 21, Santa Clara County Records; thence continuing along said Southwesterly line of Southern Pacific Railroad, North 39° 55' West 886.03 feet; thence continuing along said Southwesterly line, North 39° 50' West 2,876.94 feet to the centerline of Tilton Avenue; thence North 43° 15' East 120 feet more or less to a point in the Northeasterly line of Monterey Road, as the same existed prior to November 12, 1937; thence along said Northwestern line, North 39° 30' West 400 feet more or less to the Point of Beginning.

EXCEPTING THEREFROM a portion of Lot 8 as shown on that certain map entitled "Morgan Hill Ranch Map, No. 3," recorded in Book "G" of Maps at pages 20 and 21 and more particularly described as follows:

BEGINNING at the most Easterly corner of Tract No. 3333; thence along the Westerly lines of Lots 6 and 7 as shown on said Morgan Hill Ranch Map, South 34° 52' East 771.26 feet to the centerline of Llagas Avenue; thence along said centerline, South 49° 49' West 240.28 feet; thence North 37° West 769.10 feet to a point in the Southerly line of said Tract No. 3333 which bears North 49° 49' East 24.99 feet from the most Southerly corner thereof; thence North 49° 49' East 269.31 feet to the point of beginning.

ALSO EXCEPTING THEREFROM a portion of Lots 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

BEGINNING at the Northeasterly corner of said Lot 23 in the centerline of East Main Avenue; thence along the Easterly line thereof, South 44° 37' East 33.00 feet to the TRUE POINT OF BEGINNING; thence South 44° 37' East 982.50 feet; thence along the Southerly lines of said Lots 24 and 25, North 45° 23' East 858.00 feet; thence along the Easterly line of said Lot 25, North 44° 37' West 982.50 feet to the Southerly line of East Main Avenue; thence North 45° 23' East 429.00 feet; thence along the Easterly line thereof, South 44° 37' East 982.50 feet; thence along the Southerly line of said Lot 26, South 45° 23' West 118.61 feet; thence South 44° 37' East 982.50 feet to a point that bears North 44° 37' East from the centerline of Diana Avenue; thence South 45° 23' West 494.10 feet; thence North 44° 37' 00" West 200.00 feet; thence North 45° 22' East 35.19 feet; thence North 44° 37' West 261.80 feet; thence South 43° 02' 57" West 131.30 feet; thence North 44° 37' West 100.00 feet; thence North 18° 52' 43" East 35.67 feet; thence along a curve to the right with a back tangent bearing of North 71° 07' 17" West and a radius of 45.00 feet through a central angle of 36° 42' 47" for a distance of 28.83 feet; thence South 55° 35' 30" West 28.35 feet; thence along a curve to the right with a back tangent bearing of North 63° 43' 05" West and a radius of 45.00 feet, through a central angle of 39° 36' 28" for a distance of 31.11 feet; thence North 44° 37' West 103.00 feet; thence South 45° 23' 00" West 15.00 feet; thence South 44° 37' East 105.00 feet; thence South 22° 47' 46" West 36.23 feet; thence along a curve to the right with a back tangent bearing of South 67° 12' 14" East and a radius of 45.00 feet, through a central angle of 39° 29' 47" for a distance of 31.02 feet; thence North 62° 17' 33" East 33.39 feet; thence South 44° 37' East 223.40 feet; thence South 26° 07' 38" West 34.44 feet; thence along a curve to the right with a back tangent bearing of South 63° 52' 22" East and a radius of 45.00 feet, through a central angle of 38° 14' 22" for a distance of 30.03 feet; thence South 44° 37' East 97.00 feet; thence South 35° 15' 12" West 76.19 feet; thence South 45° 23' West 75.00 feet; thence South 44° 37' East 437.65 feet to a point that bears North 44° 37' West 33.00 feet to the centerline of Diana Avenue; thence South 45° 23' West 419.20 feet; thence North 44° 37' West 713.09 feet; thence South 45° 23' West 263.88 feet; thence North 44° 37' West 1,284.81 feet to the Southerly line of East Main Avenue; thence North 45° 23' East 263.88 feet to the true point of beginning.

ALSO EXCEPTING THEREFROM that portion in Monterey Highway in Rancho Ojo De Agua de la Coche, Rancho Laguna Seca and Lots 22, 23, 24 and 25 of Morgan Hill Ranch Map No. 3 as recorded in Book "G" of Maps at pages 20 and 21, Santa Clara County, California and more particularly described as follows:

BEGINNING at a point in the northwesterly line of Lot 19 of Homestead Tract as shown in map thereof recorded in Book "O" of Maps at page 39 at the northeasterly line of Monterey Road as described in deed to the State of California in Book 856 of Official Records at page 89, distant thereon North 45° 09' East 15.17 feet from the most westerly corner of Lot 19 and running thence along the northeasterly line of Monterey Road North 32° 48' West 1,140.66 feet, more or less, to the line common to Lands of Frank L. Gippetri, Inc. as recorded by Deed No. 5067570, and Joseph and Nancy Sutter as recorded in Deed No. 3623115; thence South 57° 12' West 110.00 feet to the southwesterly line of Monterey Road in the northeasterly line of Lands of Dana L. Pefferle, et al., as recorded by Deed No. 6175011; thence along the southwesterly line of Monterey Road, South 32° 48' East 1,163.67 feet more or less to the centerline of Wright Avenue;

thence North 45° 23' East 112.38 feet, more or less, to the point of beginning.

PARCEL B

BEING a portion of Lots 25, 26, 51 and 52, as shown on that certain map entitled "Catherine Dunne Ranch Map, No. 7," recorded in Book "L" at page 26, Santa Clara County Records.

BEGINNING at the Northwestern corner of said Lot 25 in the centerline of Barrett Avenue; thence along the westerly line thereof South 25° 29' East 29.7 feet to the TRUE POINT OF BEGINNING; thence parallel with the Northerly line of said Lots 25 and 26 and 29.7 feet distant therefrom at right angles North 64° 31' East 707.37 feet; thence along a curve to the right with a radius of 20.00 feet, through a central angle of 52° 53' 54" for a distance of 18.46 feet to a point of reverse curve; thence along a curve to the left with a radius of 42.00 feet, through a central angle of 137° 56' 15" for a distance of 101.11 feet; thence South 19° 46' 31" East 811.95 feet to the Southerly line of said Lot 26; thence continuing South 19° 46' 31" East 30.46 feet; thence along a curve to the right with a radius of 547.00 feet, through a central angle of 45° 58' 42" for a distance of 448.50 feet; thence South 27° 12' 11" West 402.43 feet; thence North 25° 29' West 662.00 feet to the Southerly line of said Lot 25; thence along said Southerly, South 64° 31' West 264.00 feet; thence along the Westerly line of said Lot 25, North 25° 29' West 795.30 feet to the True Point of Beginning.

DELETION AREA FOR THE OJO DE AGUA PROJECT AREA

MORGAN HILL REDEVELOPMENT AGENCY

GEOGRAPHIC DESCRIPTION

THIS BOUNDARY DESCRIPTION IS TO BE USED IN CONJUNCTION WITH THE BOUNDARY MAP OF **DELETION AREA FOR THE OJO DE AGUA PROJECT** OF THE MORGAN HILL REDEVELOPMENT AGENCY. THE COURSE NUMBERS ON THE DESCRIPTION CORRESPOND WITH THE COURSE NUMBERS SHOWN ON THE BOUNDARY MAP. THAT PORTION OF REAL PROPERTY OF RANCHO LA LAGUNA SECA, RANCHO OJO DE AGUA DE LA COCHE, AND RANCHO SAN FRANCISCO DE LAS LLAGAS IN THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA DESCRIBED AS FOLLOWS:

P.O.B.

BEGINNING AT THE POINT OF INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF COCHRANE ROAD AND THE WEST RIGHT-OF-WAY LINE OF SOUTH VALLEY FREEWAY; THENCE

1. EAST AND SOUTHEAST DISTANCE OF 3,503 FEET MORE OR LESS ALONG THE SAID WEST RIGHT-OF-WAY LINE OF SOUTH VALLEY FREEWAY TO ITS INTERSECTION WITH THE NORHERLY RIGHT-OF-WAY LINE OF LAUREL ROAD; THENCE
2. SOUTH 46° 16' WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE A DISTANCE OF 446 FEET MORE OR LESS; THENCE
3. SOUTH 37° EAST A DISTANCE OF 13 FEET MORE OR LESS; THENCE
4. SOUTH 46° 16' WEST A DISTANCE OF 1,245 FEET MORE OR LESS; THENCE
5. SOUTH 43° 53' EAST A DISTANCE OF 997 FEET MORE OR LESS TO THE NORTHERLY RIGHT-OF-WAY LINE OF CENTER AVENUE, 20 FEET WIDE; THENCE
6. NORTH EAST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 490 FEET MORE OR LESS TO ITS INTERSECTION WITH THE CENTERLINE OF SERENE DRIVE; THENCE
7. SOUTHEAST ALONG SAID CENTERLINE A DISTANCE OF 1,022 FEET MORE OR LESS TO ITS INTERSECTION WITH THE CENTERLINE OF EAST MAIN AVENUE; THENCE
8. SOUTHEAST A DISTANCE OF 250 FEET MORE OR LESS ALONG THE CENTERLINE PROLONGATION OF SERENE DRIVE TO ITS INTERSECTION WITH THE EAST PROLONGATION OF A LINE THAT TRAVERSES A.P. NO'S 726-18,61,62 , AND 63; THENCE
9. SOUTHWESTERLY A DISTANCE OF 40 FEET MORE OR LESS ALONG SAID TRAVERSE LINE TO ITS INTERSECTION WITH THE EASTERLY BOUNDARY LINE OF LOT 8, TRACT NO. 8706; THENCE
10. SOUTHWESTERLY A DISTANCE OF 440 FEET MORE OR LESS CONTINUING ALONG SAID TRAVERSE LINE ; THENCE
11. SOUTH 43° 56' EAST A DISTANCE OF 770 FEET MORE OR LESS; THENCE
12. SOUTH 46° 11' WEST A DISTANCE OF 860 FEET MORE OR LESS; THENCE

13. NORTH 43° 48' WEST A DISTANCE OF 1,010 FEET MORE OR LESS TO ITS INTERSECTION WITH THE CENTERLINE OF EAST MAIN AVENUE;
14. THENCE
15. SOUTHWEST A DISTANCE OF 1,310 FEET MORE OR LESS ALONG SAID CENTERLINE TO ITS INTERSECTION WITH THE CENTERLINE OF CALLE MAZATAN; THENCE
16. NORTHWEST A DISTANCE OF 1,050 FEET MORE OR LESS ALONG SAID CENTERLINE TO ITS INTERSECTION WITH THE NORTHWEST RIGHT -OF-WAY LINE OF EAST CENTRAL AVENUE; THENCE
17. NORTHEAST A DISTANCE OF 60 FEET MORE OR LESS TO A POINT ON A LINE THAT IS DISTANT 185 FEET AND PARALLEL TO THE CENTERLINE OF CALLE HERMOSA; THENCE
18. NORTHWEST ALONG SAID PARALLEL LINE A DISTANCE OF 982 FEET MORE OR LESS TO ITS INTERSECTION WITH THE CENTERLINE OF BUTTERFIELD BOULEVARD; THENCE
19. NORTHWESTERLY ALONG SAID CENERLINE A DISTANCE OF 3,940 FEET MORE OR LESS TO ITS INTERSECTION WITH THE CENTERLINE OF COCHORANE ROAD; THENCE
20. NORTHEAST A DISTANCE OF 422 FEET MORE OR LESS ALONG SAID CENTERLINE; THENCE
21. NORTH 38° 43' WEST A DISTANCE OF 1,742 FEET MORE OR LESS TO ITS INTERSECTION WITH THE SOUTHWEST RIGHT -OF-WAY LINE OF MADRONE PARKWAY; THENCE
22. SOUTHWEST A DISTANCE OF 1985 FEET MORE OR LESS ALONG SAID RIGHT-OF-WAY LINE TO ITS INTERSECTION WITH THE EAST RIGHT -OF-WAY LINE OF MONTEREY ROAD; THENCE
23. NORTHWEST A DISTANCE OF 72 FEET MORE OR LESS ALONG SAID RIGHT-OF-WAY LINE TO ITS INTERSECTION WITH THE NORTHWEST RIGHT -OF-WAY LINE OF MADROWS PARKWAY; THENCE
24. NORTHEEAST A DISTANCE OF 384 FEET MORE OR LESS ALONG SAID NORTHWEST RIGHT-OF-WAY LINE; THENCE
25. NORTH 38° 36' WEST A DISTANCE OF 192.70 FEET MORE OR LESS; THENCE
26. NORTH 51° 24' EAST A DISTANCE OF 161.81 FEET MORE OR LESS; THENCE
27. SOUTH 38° 36' EAST A DISTANCE OF 82.27 FEET MORE OR LESS; THENCE
28. NORTH 51° 39' EAST A DISTANCE OF 4,055 FEET MORE OR LESS TO ITS INTERSECTION WITH THE SOUTHWEST RIGHT -OF-WAY LINE OF SOUTH VALLEY FREEWAY; THENCE
29. THENCE NORTH 47° 27' EAST A DISTANCE OF 361 FEET MORE OR LESS TO A POINT ON THE NORTHEAST RIGHT-OF-WAY LINE OF SOUTH VALLEY FREEWAY; THENCE
30. NORTH 50° 45' EAST A DISTANCE OF 55 FEET MORE OR LESS; THENCE
31. SOUTH 11° 11' WEST A DISTANCE OF 354 FEET MORE OR LESS; THENCE
32. SOUTH 54° 33' EAST A DISTANCE OF 1,792 FEET MORE OR LESS TO ITS INTERSECTION WITH THE CENTERLINE OF COCHRANE ROAD; THENCE

33. SOUTHWEST ALONG SAID CENTERLINE A DISTANCE OF 1410 FEET MORE OR LESS TO ITS INTERSECTIOIN WITH THE WESTERLY RIGHT -OF WAY LINE OF SOUTH VALLEY FREEWAY; THENCE
34. SOUTHEASTERLY A DISTANCE OF 50 FEET MORE OR LESS ALONG SAID WEASTERLY RIGHT-OF-WAY LINE OF SOUTH VALLEY FREEWAY TO THE SOUTHEAST RIGHT-OF-WAY LINE OF COCHRANE ROAD TO THE POINT OF BEGINNING AND CONTAINING 575 ACRES OF LAND MORE OR LESS.

ATTACHMENT D

REDEVELOPMENT AGENCY PROPOSED
LIST OF PUBLIC IMPROVEMENTS,
PROJECTS AND PROGRAMS

Morgan Hill Redevelopment Agency
Redevelopment Plan for Ojo de Agua Project Area
Amendment No. 4

The following is a list of the possible projects, programs, and activities that the Agency may undertake to implement this Plan Amendment. This list does not reflect any Agency priorities or funding allocations with regard to any program, project, or activities.

AUTHORIZED PROJECTS AND PROGRAMS

Economic Revitalization

- Marketing
- Foster Business Attraction & Retention including business assistance programs
- Projects & Programs to Enhance Downtown
- Façade Improvement Program
- Commercial Rehabilitation. Loan Program
- Historic Preservation
- Entry Statement Construction
- Toxic Clean-up
- Downtown Off-Street Parking Improvements
- Downtown Streetscape/Pedestrian Improvements
- Third Street Promenade & Plaza
- Other Economic Revitalization Activities
- Administration

Street Improvements

- Madrone/Monterey Improvements
- Dunne Grade Separation
- Butterfield Extension (s/o Tennant to Monterey Road), possible widening and grade separation
- Tennant Ave. Widening
- Tennant Ave. Overcrossing Expansion
- San Pedro/Spring Realignment
- Street Construction/Reconstruction Generally
- Median Construction: Monterey & Cochrane
- Downtown Traffic Calming
- Santa Teresa Blvd Construction
- Madrone UPRR Overcrossing
- Traffic Signals
- Undergrounding Monterey Road Utilities
- Other Utility Undergrounding
- Sidewalk Construction
- Other Street Improvements & Extensions

Flood Control

- PL 566 Construction
- Local Connections
- Butterfield Storm Drain
- Other Flood Control projects

Water/Sewer

Sewer Main Reconstruction
Water System (Mains, New Wells, Pumping Station)
Other Water/Sewer projects

Community Facilities

Library Expansion
Aquatics Center Improvements
Sports Complex Implementation
Youth Center (renovation El Toro/Friendly Inn)
Community Park Master Plan Implementation, including Corporation Yard Relocation
Fire Station
Other Community Facilities

Affordable Housing Programs

Housing Rehab Loan Program
Senior Housing Repair Program
Mobile Home Repair Program
New Housing Development
Major Housing Rehab Projects
BMR Program Administration
Other Housing Programs and Projects

AMENDMENT NO. 5
TO
AMENDED AND RESTATED
COMMUNITY DEVELOPMENT PLAN
OF THE
OJO DE AGUA PROJECT

This Amendment No. 5 amends the Community Development Plan of the Ojo De Agua Project which was originally adopted in 1981 and was last amended and restated by Amendment No. 4 enacted on even date herewith (the "Amended and Restated Plan").

Section 403 of the Amended and Restated Plan shall be revised in its entirety as follows:

1. (Sec. 403) Acquisition of Real Property

The Agency may purchase, lease, obtain option upon or otherwise acquire any interest in real property by gift, devise, exchange, purchase, or any other means authorized by law.

It is in the public interest and is necessary in order to eliminate the conditions requiring redevelopment and in order to implement this Plan for the power of eminent domain to be employed by the Agency to acquire real property which cannot be acquired by gift, devise, exchange, purchase or any other lawful method.

The use of eminent domain by the Agency shall be limited by this Amendment as follows:

- The Agency may only exercise its authority for eminent domain in conformance with the United States Constitution and the Constitution of the State of California.
- The Agency may only exercise its authority for eminent domain on real property after exhausting all good faith efforts to acquire the property through negotiation, which negotiation shall recognize the property owner's right to fair compensation as provided in the Constitution, and shall recognize the public's interest in acquiring property at no more than its fair market value.
- The Agency may only exercise its authority for eminent domain on real property located within the area shown on Attachment E, "Eminent Domain Inclusion Area."
- Eminent domain proceedings, if used, must be commenced prior to *****, 2018.

- The eminent domain authority conferred by this provision may not be used to acquire any property which has been legally developed and occupied for residential purposes.
- Prior to the initiation of any legally mandated process to acquire a property by eminent domain pursuant to this provision, the Agency Board shall adopt guidelines detailing the scope and nature of its proposed use consistent with the authority granted herein.
- Any project undertaken by the Redevelopment Agency that requires the use of eminent domain must conform to the goals of the adopted Downtown Plan, if in the downtown area bordered by Del Monte Ave, Butterfield Blvd., Dunne Ave., and Main St., as identified in the "Eminent Domain Inclusion Area."

Without the consent of the owner, the Agency shall not acquire real property to be retained by an owner pursuant to a participation agreement if the owner fully performs under the agreement unless provision for such acquisition is made in the agreement. The Agency is authorized to acquire structures without acquiring the land upon which those structures are located. The Agency is also authorized to acquire any other interest in real property less than a fee interest.

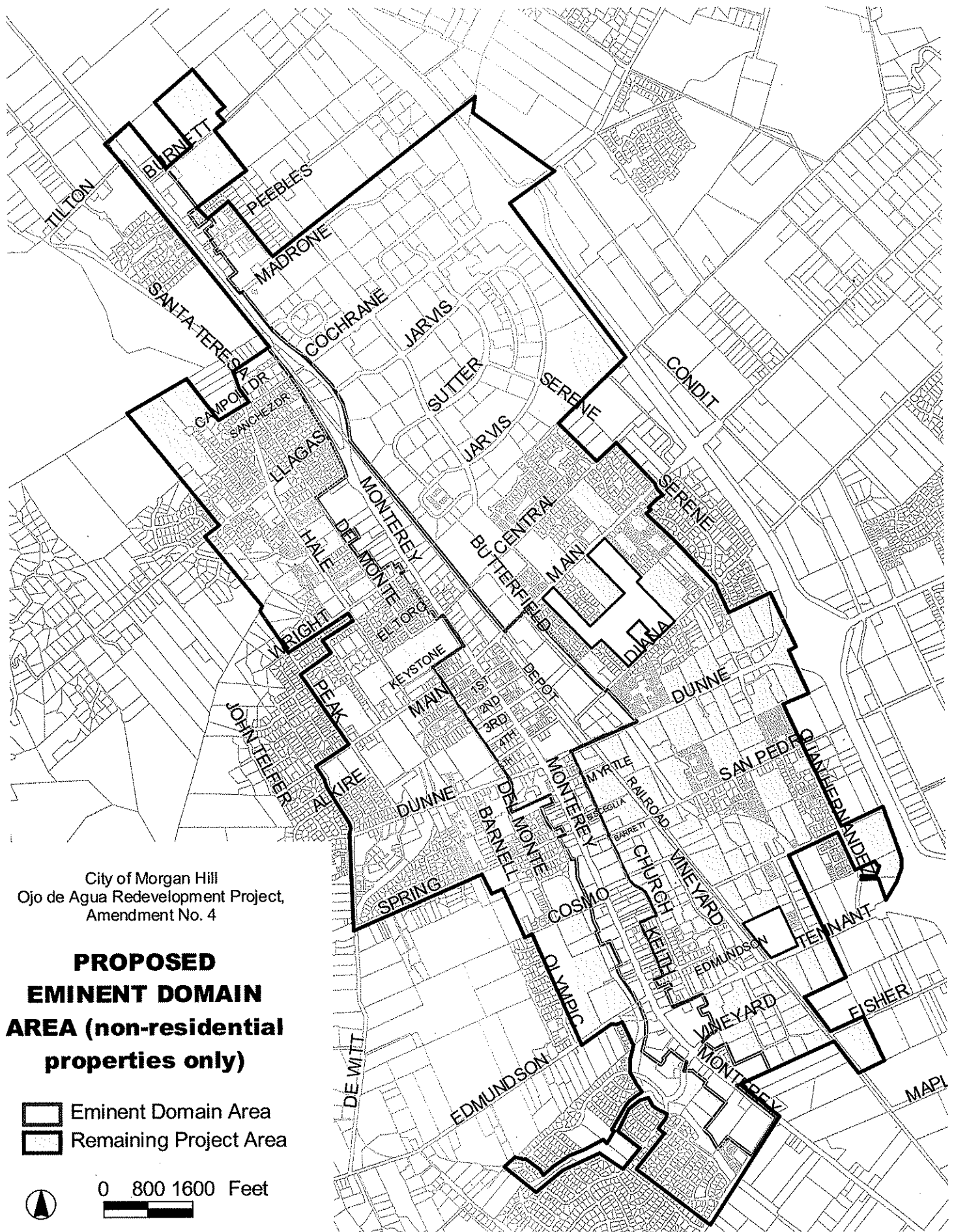
If required by law, the Agency shall not acquire real property on which an existing building is to be continued on its present site and in its present form and use without the consent of the owner, unless (1) such building requires structural alterations, improvement, modernization, or rehabilitation, or (2) the site or lot on which the building is situated requires modification in size, shape, or use, or (3) it is necessary to impose upon such property any of the standards, restrictions and controls of the Amendment and the owner fails or refuses to participate in the Amendment by executing a participation agreement.

Except as set forth in this Amendment No. 5, the Amended and Restated Plan dated _____ shall remain unmodified and in full force and effect.

This Amendment No. 5 is effective as of _____.

ATTACHMENT E

EMINENT DOMAIN INCLUSION AREA



GR

REDEVELOPMENT CONSULTANTS, INC.

C

M E M O R A N D

<i>DATE:</i>	October 17, 2006
<i>TO:</i>	Eric Marlatt
<i>FROM:</i>	Ernie Glover
<i>RE:</i>	Responses to Planning Commission Preliminary Report Comments

Commissioner Lyle's Comment 1: Table 1, DEIR page 24, is not justified by the financial analysis contained in the Preliminary Report for Ojo de Agua Redevelopment Project, Amendment No. 4.

Response: Table 1 is a summary of the major changes proposed as part of Amendment No. 4. The proposed new limit for bonding authority and the tax increment limit were based on analysis contained in Chapter 8 of the Preliminary Report. Other proposed Amendment 4 changes are also permitted by the Community Redevelopment Law, and are consistent therewith. Because Table 1 is merely a summary of the proposed project, no changes to the Draft EIR are necessary.

Chairman Benich's Comment 1: Chairman Benich would like to see a map showing parcels with blighting conditions other than flooding. Flooding appears to be the predominant condition of blight in the downtown area.

Response: See the attached map entitled Blight Except Flooding. This map shows assessor's parcels with Community Redevelopment Law conditions of blight except for flooding. The basis for determining whether parcels are affected by flooding is the 100-year flood zone as shown in the City of Morgan Hill's geographic information system files.

Chairman Benich's Comment 2: The land use map in the Preliminary Report for Ojo de Agua Redevelopment Project, Amendment No. 4, shows the TBI project as being office. It should be commercial.

Response: The map has been changed. See attached.

Commissioner Mueller's Comment 1: The Preliminary Report for Ojo de Agua Redevelopment Project, Amendment No. 4, does not address the operation and maintenance cost impacts on the general fund by way of new community facilities being constructed.

Response: This is not a comment on the Draft EIR itself. However, the current Redevelopment Plan has a provision that "after the Agency has identified sources of funding the operations and maintenance, the Agency is authorized to install and construct or to cause to be installed and constructed the public improvements and public utilities..." Further, Policy 18.o of the General Plan requires the City to "consider long-term operations and maintenance implications when designing new or renovating existing parks and recreation facilities. Cost implications and funding sources for long-term operations and maintenance shall be identified for each new facility prior to proceeding with project development." In essence, the Agency must have an operations and maintenance (O&M) plan in place before building a facility. The Agency can not pay for the O&M costs for these facilities so the City's general fund will be responsible for such costs. However, facilities are not required to be 100% cost recovery. The level of cost recovery for each facility is established by the City Council based on its priorities and goals at the time. A goal of providing greater access to the community may outweigh the goal of 100% costs recovery. For example, the cost recovery goal for the Community and Cultural Center is 70%. The goal for the Centennial Recreation Center is 100% cost recovery by year 3. It should also be noted that increased retail sales taxes and other new revenues resulting from new development in the City, facilitated by the Agency's economic revitalization efforts, is returned to the general fund and can be used to fund community facility operating costs. Also, the Agency gives the City a portion of its receipts each year by way of State-mandated tax increment sharing as well as by the deletion of a portion of the Redevelopment Project Area. This revenue can also be used to pay for operations and maintenance of community facilities.

